

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Bank of America, N.A.,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:12cv26
vs.	:	
	:	Chief Judge Susan J. Dlott
Fred I. Davidson, et al.,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on January 20, 2012 (Doc. 4), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired February 6, 2012, hereby ADOPTS said Report and Recommendation.

Accordingly, plaintiff's removal petition is **DENIED** for lack of subject matter jurisdiction, and this case is **REMANDED** to the Clermont County, Ohio, Court of Common Pleas. See 28 U.S.C. § 1447(c).

The Court will certify pursuant to 28 U.S.C. § 1915(a) that for the foregoing reasons an appeal of this Order will not be taken in good faith and therefore **DENY** Mr. Davidson leave to appeal *in forma pauperis*. Davidson remains free to apply to proceed *in forma pauperis* in the Court of Appeals. See *Callihan v. Schneider*, 178 F. 3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court